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10/091,612

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Per A. Tagseth

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FITZPATRICK CELLA (AMEX)  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

AHMED, AFFAF

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

12/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/091,612

**Applicant(s)**

TAGSETH ET AL.

**Examiner**

Affaf Ahmed

**Art Unit**

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,9-36 and 38-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-36 and 38-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in reply to the Applicant's amendment filed on 9/25/2007.
2. Claims 1-5, and 9-36 have been amended.
3. Claims 38-50 have been added.
4. Claims 6-8, 37 have been canceled.
5. Claims 1-5, 9-36 and 38-50 are currently pending and have been examined.
6. Applicant has clarified interchangeable terminology used in descriptive of the drawing; the objection to the drawing is withdrawn.

### ***Response to Applicant's Arguments***

7. Applicant's amendment and arguments filed on 9/25/2007 have been fully considered and discussed in the next section. Applicant is reminded that claims must be given their broadest reasonable interpretation.
8. Applicant amends the drawings. Objection is withdrawn.
9. Applicant amends claims 24-36. Rejection is withdrawn.
10. With respect to claim 1 applicant's arguments has been considered but is moot in view of the new ground (s) of rejection.

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-5, 9-36 and 38-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElfresh et al, US Pat 6,907,566 B1 in view of Walker et al, US Pat 6,018, 718.

**Claims 1 and 38:**

McElfresh discloses:

- *a centralized repository configured to store a plurality of incentive offers (see at least column 6, lines 58-59);*
- *a retrieval engine in communication with the centralized repository for retrieving one or more incentive offers from the plurality of incentive offers (see at least column 7, lines 9-12);*
- *a presentation engine in communication with the retrieval engine for presenting the one or more incentive offers to an offree (see at least column 6, lines 36-40 and fig 3A);*
- *wherein the presentation engine is configured to receive the one or more retrieved offers from the retrieval engine (see at least column 6, lines 36-40 and fig 3A);*

McElfresh does not disclose, but Walker, however, does disclose:

- *then modify at least one retrieved offer based on at least one of offree's trait and a contextual environment of the offer (see at least column 4, lines 45-55); and*
- *wherein the retrieval engine is further configured to retrieve the one or more offers based at least in part on a set of rules defining particular contexts required to present the plurality of incentives (see at least column 4, lines 57-65).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate McElfresh's technique for presenting optimum advertisements on a webpage with Walker's method of customizing rewards based on specific account criteria with the motivation to induce account holders to exhibit behavior desired by an account issuer to increase marketability of their financial products/services.

**Claims 2 and 3:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh further discloses:

- *maintenance engine being adapted to cooperate with an administrator to create, modify, or delete an offer stored within the centralized repository.*
- *maintenance engine being further adapted to provide a security mechanism to authenticate a merchant before granting access to the merchant.*

See at least column 7, lines 6-10.

**Claim 5:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh further discloses:

- *one or more reviewing interfaces configured to allow reviewers to review and approve new offers (see at least column 7, lines 6-9).*

**Claims 9 and 10:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh further discloses:

- *maintenance engine being configured to facilitate tracking of times a particular offer has been sought or retrieved.*
- *maintenance engine being configured to facilitate tracking of times a particular class of offers has been sought or retrieved.*

See at least 3a-item 109 and column 7, lines 33-47 and column 8, lines 15-29.

**Claims 11, 21 and 22:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh further discloses:

- *maintenance engine being configured to facilitate export of a report in accordance with a predetermined set of criteria.*

- *retrieval engine being configured to facilitate generation of a report describing offers contained within the repository.*
- *retrieval engine being configured to facilitate generation of a report describing times an offer has been retrieved.*

See at least column 6, lines 43-48, column 8, lines 15-28, Fig 3a-item 109, column 7, lines 33-47 and column 8, lines 15-29.

**Claim 12:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh further discloses:

- *retrieval engine being configured to facilitate presenting of offers via a webpage (see at least column 7, lines 12-14).*

**Claim 13:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh further discloses:

- *retrieval engine including a search tool (see at least column 6, lines 51-52).*

**Claims 14 and 15:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh further discloses:

- *search tool being configured to facilitate identification of an offer or set of offers in accordance with specified search criteria.*
- *said search tool configured to facilitate identification of an offer or set of offers in accordance with multiple search criteria..*

See at least column 2, lines 42-55 and column 6, lines 43-48. The multiple search criteria above inherently include different level of search, because when a user search for a particular item for instance a shoe, a page will display variety of shoes (men, women, kids and so on).

**Claim 16:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh further discloses:

- *retrieval engine including a retrieval tool (see at least fig 3A, item 112).*

**Claim 17:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh further discloses:

- *retrieval tool being configured to facilitate recovery of an offer (see at least fig 3B with associated texts).*

**Claim 18:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh further discloses:

- *retrieval tool being configured to facilitate retrieval of an offer in accordance with a search request configured by a user (see at least column 7, lines 9-14).*

**Claims 19 and 20:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh further discloses:

- *retrieval tool being configured to facilitate retrieval of an offer, said offer including parameters defined by a user*
- *retrieval tool being configured to facilitate retrieval of an offer, said offer including only parameters defined by a user.*

See at least column 7, lines 33-35. The click-through above inherently includes when a user selects an ad it will direct the user to the specified page based on the parameters of the ad that he/she input.

**Claim 23:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh further discloses:

- *retrieval engine being configured to facilitate modification of an offer in accordance with a predetermined set of rules (see at least column 3, lines 47-53).*

**Claim 34:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh further discloses:

- *wherein the centralized repository is further configured to store a set of offer details and the set of offer details include at least key word(s) (see at least column 2, lines 56-60 and column 6, lines 20-24).*

**Claims 39 and 45:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh does not disclose, but Walker, however does disclose:

- *wherein the at least one offer modified includes an interest rate (see at least column 12, lines 56-57 and fig 4-item 420).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate McElfresh's technique for presenting optimum advertisements on a webpage with Walker's method of customizing rewards based on specific account criteria with the motivation to induce account holders to exhibit behavior desired by an account issuer to increase marketability of their financial products/services.

**Claims 40 and 46:**

McElfresh /Walker disclose the limitation as shown above.

McElfresh does not disclose, but Walker, however does disclose:



- *wherein the interest rate is adjusted based on at least the offeree's creditworthiness level (see at least column 7, lines 51-60 and fig 4 with associated texts).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate McElfresh's technique for presenting optimum advertisements on a webpage with Walker's method of customizing rewards based on specific account criteria with the motivation to induce account holders to exhibit behavior desired by an account issuer to increase marketability of their financial products/services.

**Claims 41 and 47**

McElfresh /Walker disclose the limitation as shown above.

McElfresh does not disclose, but Walker, however does disclose:

- *wherein the modified offer is a credit card offer (see at least 3, lines 35-42).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate McElfresh's technique for presenting optimum advertisements on a webpage with Walker's method of customizing rewards based on specific account criteria with the motivation to induce account holders to exhibit behavior desired by an account issuer to increase marketability of their financial products/services.

13. Claims 4, 24-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElfresh et al, US Pat 6,907,566 B1 in view of Walker et al, US Pat 6,018, 718 and further in view of Sullivan et al, US. Pub. No. 2001/0018665 A1.

**Claim 4:**

McElfresh /Walker disclose the limitation as shown above.

The combination of McElfresh/Walker does not disclose, but Sullivan however, does disclose:

- *security mechanism being configured to limit access to a specific merchant or group of merchants whereby the security mechanism enables the maintenance engine to safeguard the confidentiality of data within the repository, preventing*

*data from being disclosed in an unauthorized or undesirable manner (see at least paragraph 0106).*

It would have been obvious to one of ordinary skills in the art at the time of the invention to combine McElfresh's/Walker's authentication method of accessing critical information with Sullivan's technique of limiting access of advertisement information to prevent malicious attack of the system.

**Claim 24:**

McElfresh /Walker disclose the limitation as shown above.

The combination of McElfresh/Walker does not disclose, but Sullivan however, does disclose:

- *offer details includes at least an offer identifier, a description of qualifying offerees and an offer promotion identifier, an offer type, and a definition of offer terms (see at least paragraph 3, and paragraph 19).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine McElfresh's/ Walker's technique of creating and storing advertisements information in a database and being able to retrieve the ads information based on users requests with Sullivan's method of identifying offers, identifying promotion offers description of qualifying offerees and so forth because as shown by Sullivan above identifications of offer and promotions and qualifications of services provider are all important entities of administrating promotions to effectively track promoted products and measure the success of how well they marketing and promoting products/ ads.

**Claims 25, 27, 29, 30 and 36:**

McElfresh /Walker disclose the limitation as shown above.

The combination of McElfresh/Walker does not disclose, but Sullivan however, does disclose:

- *offer details includes at least a merchant name;*
- *said offer details includes at least merchant demographics;*
- *offer details includes at least a merchant type identifier;*
- *offer details includes at least a geographic location identifier; and*
- *offer details includes at least customer service telephone number.*

See at least paragraph 60.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine McElfresh's/Walker's technique of creating and storing advertisements information in a database and being able to retrieve the ads information based on users requests with Sullivan's terminology of offer details, because as shown by Sullivan above keeping track of retailers/clients helps manufacturers /services providers to better understand consumers needs.

**Claims 26 and 28:**

McElfresh /Walker disclose the limitation as shown above.

The combination of McElfresh/Walker does not disclose, but Sullivan however, does disclose:

- *offer details includes at least a trademark identifying the target merchant or the target goods;*
- *offer details includes at least an offer category identifier.*

See at least paragraph 78.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine McElfresh's/Walker's technique of creating, storing and retrieving advertisements information based on users requests with Sullivan's terminology of offer details, because by administrating promotions, service providers know and learn which and what products are best to promote and keeping track of promoted products helps

manufacturers /services to improve their services, manage and expand their marketing plans to better understand and target consumers in future.

**Claims 31, 32 and 33:**

McElfresh /Walker disclose the limitation as shown above.

The combination of McElfresh/Walker does not disclose, but Sullivan however, does disclose:

- *offer details includes at least a target product or service identifier ;*
- *offer details includes at least a description of a term of the offer ;*
- *offer details includes at least a definition of the term for displaying the offer .*

See at least paragraph 3 and paragraph 108.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine McElfresh's/Walker's technique of creating, storing and retrieving advertisements information based on users requests with Sullivan's terminology of offer details, because as shown above by Sullivan above keeping track of promoted products helps manufacturers/services to improve their services and meet consumers needs in a competent manner.

**Claim 35:**

McElfresh /Walker disclose the limitation as shown above.

The combination of McElfresh/Walker does not disclose, but Sullivan however, does disclose:

- *offer details includes SKU/UPC information (see at least paragraph 0014).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine McElfresh's/Walker's technique of creating and storing advertisements information in a database and being able to retrieve the ads information based on users requests with Sullivan's terminology of offer details, because as shown by Sullivan above

keeping track of promoted products helps manufacturers /services to improve their services and meet consumers needs in a competent manner.

**Claims 42-44 and 48-50:**

McElfresh /Walker disclose the limitation as shown above.

The combination of McElfresh/Walker does not disclose, but Sullivan however, does disclose:

- *wherein the contextual environment criteria includes the availability of a product;*
- *wherein the offer element modified is the price of a product.*
- *Wherein the price is modified based on the contextual environment criteria and wherein the contextual environment criteria includes the availability of the product.*

See at least paragraph 14.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine McElfresh's/Walker's technique of creating and storing advertisements information in a database and customized ads and/or rewards based on consumers' profile with Sullivan's terminology of offer details, with the motivation to induce account holders to exhibit behavior desired by an account issuer to increase marketability.

### **Conclusion**

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** from the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX Months from the mailing date of this final.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Affaf Ahmed whose telephone number is 571-270-1835. The examiner can normally be reached on Monday - Friday, 8:30 am-6:00 pm est, alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached at 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA

Yehdeya Ratta